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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,673	01/18/2005	Peter Bolz	10191/3725	2310
26646 7590 05/01/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
HSU, ALPUS				
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05/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/521,673

**Applicant(s)**

BOLZ, PETER

**Examiner**

Alpus H. Hsu

**Art Unit**

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. The replacement drawings were received on January 17, 2008. These drawings are disapproved.

The newly proposed correction for the drawings are objected to because the labeling for elements 2a, 2b and 2c for block 2 in Figure 1 are improper. To be more specific, the labeling of elements 2a, 2b and 2c for Server-side part 2 are neither hardware components nor software components, which are improper and unacceptable for drawing illustration purpose.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by ABLAY (of record).

Referring to claim 10, ABLAY discloses a device for accessing a vehicle control system via a wireless link, comprising: a gateway unit (107) mounted in a vehicle which is connected on

one side to at least one control unit (103, 111, 113) in the vehicle and includes a link (140) to at least one wireless network (150) on the other side, the gateway unit being adapted so that it is freely configurable via the wireless link, wherein the at least one control unit (103) is connected to the gateway unit (107) via at least one vehicle bus (105).

Referring to claim 15, ABLAY discloses that the gateway unit is further connected to a wireless modem (109) for connection to a wireless network (150).

Referring to claim 16, ABLAY discloses that the connection is implemented one of (a) directly and (b) via a bus (115).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 13, 14, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over ABLAY in view of BRAUN (of record).

Referring to claims 11, 13, and 17-19, ABLAY differs from the claims, in that, it does not disclose the features of the gateway unit includes a microcomputer equipped with a software platform, and a non-volatile buffer memory, which are well known in the art and common adopted in communications field for hardware/firmware/software implementation.

BRAUN, for example, from the similar field of endeavor, teaches a gateway unit (100) includes a microcomputer (101) equipped with a software platform (101), and a non-volatile buffer memory (101 and 103) (see col. 5, lines 8-30), which can be easily adopted by one of

ordinary skill in the art to implement into the device in ABLAY to provide any desired hardware/firmware/software implementation to fulfill the user's request or designer's choice.

Referring to claim 14, BRAUN also discloses the feature of the vehicle bus being one of a CAN bus, a MOST bus, and a K line bus (see col. 3, line 60 to col. 4, line 5).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over ABLAY in view of BRAUN as applied to claims 10 and 11 above, and further in view of MOCEK (of record).

Referring to claim 12, the device provided from ABLAY in view of BRAUN differs from the claim, in that, it does not disclose the specific software platform being a Java Virtual Machine, which is also well known in the art and common adopted in communications field for specific software implementation.

MOCEK, for example, from the similar field of endeavor, teaches the application of specific Java Virtual Machine (see col. 6, lines 41-49), which can be easily adopted by one of ordinary skill in the art to implement into the device in ABLAY in view of BRAUN to provide the specific software implementation to further improve the device efficiency.

7. Applicant's arguments filed January 17, 2008 have been fully considered but they are not persuasive.

In the remark, the applicant mainly argued that in ALBAY, its control units are not connected to the vehicle gateway through the vehicle bus but through the user bus. Therefore, the "ALBAY" reference does not anticipate claim 10 or any of its dependent claims.

The examiner disagrees for the following reasoning:

First, in ALBAY, one of the control units (103) is clearly connected to the vehicle gateway (107) through the vehicle bus (105), which clearly meets the claimed limitation as newly amended.

Second, for the argument sake, although the other control units (111 and 113) are connected to the vehicle gateway (107) via user bus (115), there is still connection exists between vehicle bus and user bus since the user bus is always coupled to the vehicular bus by means of vehicle gateway. Therefore, in the broadest interpretation, all of the control units are connected to the gateway unit either directly or indirectly.

In view of the above reasoning, the examiner believes that all rejections under 35 U.S.C. 102(b) and 103(a) should be sustained.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

/Alpus H. Hsu/  
Primary Examiner, Art Unit 2619